

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**MEMORANDUM ENDORSED**

JOHN DOE,

*Plaintiff,*

v.

No. 1:20-cv-06770 (GHW)

COLUMBIA UNIVERSITY,

*Defendant.*

**STIPULATION AND ORDER**

**WHEREAS**, in the Amended Complaint filed in the above-captioned action (ECF 41), Plaintiff asserted claims against Defendant under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*;

**WHEREAS**, in the Amended Complaint, Plaintiff sought, *inter alia*, “emotional and psychological damages” in connection with those Title IX claims (ECF 41 at 134-39);

**WHEREAS**, Plaintiff and Defendant agree that following the U.S. Supreme Court’s decision in *Cummings v. Premier Rehab Keller, PLLC*, 142 S. Ct. 1562 (2022) (“*Cummings*”), emotional distress damages are not available in private suits under Title IX; and

**WHEREAS**, on October 14, 2022, the parties conferred and agreed that Plaintiff will not seek or recover emotional distress damages covered by *Cummings*;

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned attorneys for Plaintiff and Defendant in the above-captioned action, that:

Notwithstanding anything in the Amended Complaint (ECF 41), Plaintiff shall not seek or recover from Defendant emotional distress damages covered by *Cummings*.

Dated: November 3, 2022  
New York, New York

/s/ Roberta A. Kaplan  
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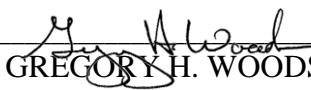
*Attorneys for Defendant The Trustees of  
Columbia University in the City of New York*

SO ORDERED.

Dated: November 3, 2022  
New York, New York

/s/ Philip A. Byler  
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*Attorney for Plaintiff John Doe*

  
GREGORY H. WOODS  
United States District Judge